



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1027 of 2016

and

C.M.P. (MD) .No.5155 of 2016

WEB COPY

1.Rajendran

2.K.C.Rajkumar Shanmugam .. Petitioners / Petitioners
Defendants

vs.

1.Savithiri

2.Vasantha

3.Radha

4.Usha

5.Lakshmi Narayanan

.. Respondents / Respondents/
Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 18.12.2015 made in I.A.No.426 of 2014 in O.S.No.354 of 2013 on the file of the Principal District Munsif Court, Kumbakonam.

For Petitioners : Mr.H.Lakshmi Shankar

For Respondent Nos.1&5 : Tapal returned

For Respondents 2 &3 : No appearance

For Respondent No.4 : Tapal returned without
endorsement

ORDER

The defendants in O.S.No.354 of 2013 on the file of the learned Principal District Munsif, Kumbakonam are the revision petitioners herein. The said suit has been filed for permanent injunction. The case of the revision petitioners is that the suit is liable to be rejected in view of the judgment rendered in S.A.No.1114 of 2008.

2. This Court is of the view that questions of fact or mixed questions of law and fact cannot be framed as a preliminary issue. Therefore, the order impugned in this Civil Revision Petition is sustained. The defense available to the revision petitioners are left open.

3. Since this is the suit of the year 2013, the Court below is directed to dispose of the main suit itself in accordance with law and on merits, within a period of four months from the date of



receipt of a copy of this order.

4. With the above direction, this Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

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Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-III)

To

1. The Principal District Munsif,
Kumbakonam.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1cc to Mr.H.LAKSHMI SHANKAR, Advocate, SR.No. 82221

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PJL

KK/SV/SAR-3/15.10.2018/2P-5C